

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

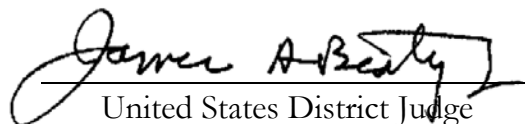
GARRICK DEWAYNE NEWTON,)	
)	
Petitioner,)	
)	
v.)	1:15CV681
)	1:08CR332-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On October 7, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed a Response [Doc. #44] to the Recommendation within the time limit prescribed by Section 636, noting that he "waives his right to object to the Magistrate Judge's recommendation to construe his letter as a motion and deny it without prejudice." The Court therefore need not make a *de novo* review, and the United States Magistrate Judge's Recommendation [Doc. #42] is affirmed and adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to vacate, set aside or correct sentence [Doc. #41] is DISMISSED without prejudice to Petitioner promptly filing a corrected motion on the proper § 2255 forms, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 2nd day of November, 2015.


United States District Judge